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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,864	07/14/2003	Hiroshi Shigetaka	9281/4602	6963

7590 10/04/2005

Brinks Hofer Gilson & Lione
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Chicago, IL 60610

EXAMINER

HOLTON, STEVEN E

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,864

Applicant(s)

SHIGETAKA, HIROSHI

Examiner

Steven E. Holton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) * | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/14/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (USPN: 4931782) in view of Donohue et al. (USPN: 6262717), hereinafter Donohue.

Regarding claim 1, Jackson discloses a touch screen input device with an X electrode layer (Fig. 2, elements 38) and a Y electrode layer (Fig. 2, elements 34) layered on flexible substrates (Fig. 2, elements 36 and 32). Jackson also discloses a cover sheet (Fig. 5, element 60) but does not expressly disclose that the cover sheet is an insulating support plate to support the sensor. Donohue discloses a kiosk with a touch pad input system where the touch pad is positioned beneath a cover plate (Figs. 1 and 2, element 31). The touch pad can also be bonded or adhered to the touch surface of the touch pad (col. 7, lines 38-39). In the case of using a flexible touch pad of Jackson the seating arrangement of Donohue (Fig. 2, element 47) would not be enough to assure that the touch pad stayed in contact with the cover sheet and therefore, the cover sheet would also provide support to the touch pad.

Jackson and Donohue are analogous art because both deal with touch screen input technologies. At the time of invention it would have been obvious for one skilled in

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the art to provide a cover sheet as disclosed by Donohue on top of the touch pad of Jackson with the motivation "to increase the life of the touch pad (Donohue, col. 5, line 11)" or for protection. Thus, it would have been obvious to combine Jackson and Donohue to produce a device as specified in claim 1.

Regarding claim 2, Donohue discloses that the size of the cover plate should "correspond to, or exceed that of the touch-sensitive surface (col. 7, lines 34-35)". The Examiner states that it would have been obvious to one skilled in the art to provide a fitted recess for the touch surface in the case when the cover plate was larger than the touch surface. Such a fitted plate would make assembling the device easier and would provide a closer fit between the plate and touch surface for better accuracy.

Regarding claim 3, Donohue states that "transparency is not required as the cover plate can be marked to indicate such zones [touch-sensitive zones], tactile feedback means previously discussed may be used, or on indication of touch-sensitive zones may be also preferable in some applications. (col. 8, lines 30-35)" Donohue also discusses making markings on a transparent cover plate with ink to indicate zones (col. 8, lines 28-30). The Examiner notes that these markings to indicate touch-sensitive zones are the same as the 'pointing section' of claim 3 which are used to indicate to a user where the touch sensitive areas are located.

Conclusion

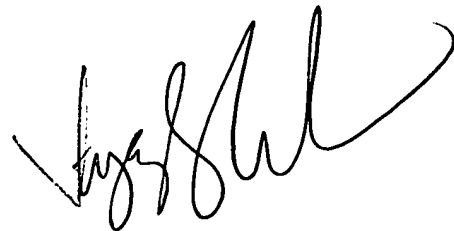
2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore (USPN: 4587378) discloses a flexible touch input device. Merz (USPN: 5565657) discloses a touch input device with a cover plate.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven E. Holton whose telephone number is (571) 272-7903. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven E. Holton
September 27, 2005
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A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, flowing script.

VIJAY SHANKAR
PRIMARY EXAMINER